

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code section 101.1, the State Fire Marshal hereby amends Chapter 221, "Flammable and Combustible Liquids," Iowa Administrative Code.

Iowa Code section 101.1 authorizes and requires the State Fire Marshal to adopt administrative rules establishing reasonable requirements for the safe transportation, storage, handling, and use of flammable liquids. Recently, a temporary storage container for gasoline has been advertised. This container consists of a soft plastic bladder contained in cardboard. The amendment adopted herein bars the use of any temporary or disposable container for flammable or combustible liquids and requires that any container used to store or carry flammable or combustible liquids be made of metal or hard plastic.

This amendment was proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on March 26, 2008, as **ARC 6662B**. A public hearing on the proposed amendment was held on April 23, 2008, at which hearing representatives of a company which is producing and marketing a "temporary gas can" spoke. The representatives submitted a sample of the can they are marketing as well as written material in support of allowing the use of the can. The Fire Marshal has also received comments from representatives of the fire service in Iowa, advocating that the amendment be adopted as proposed.

The Fire Marshal finds that the use of temporary containers for storing and carrying gasoline and other flammable liquids does constitute a fire hazard. Specifically, there is not an effective way to ensure a can is emptied in a timely fashion after being filled, nor is it certain that a can will not be reused. In addition, while the temporary containers do not appear to be in violation of regulations of the federal Environmental Protection Agency (EPA), this is not an affirmative statement on the part of the EPA that the containers are safe, but a function of the fact that these federal regulations do not apply to temporary containers.

The amendment adopted herein is identical to that proposed in the Notice of Intended Action.

This amendment will become effective on October 1, 2008.

This amendment is intended to implement Iowa Code chapter 101.

The following amendment is adopted.

Adopt the following new paragraph **221.3(1)"i"**:

i. Delete section 3404.3.1.1 and insert in lieu thereof the following:

3404.3.1.1 Approved containers. Only approved containers and portable tanks shall be used. No flammable or combustible liquid shall be placed into, stored in, or carried in any container other than one which is metal or hard plastic. No flammable or combustible liquid shall be placed into, stored in, or carried in any temporary or disposable container.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/13/08.